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But it is dealing with those subjects of less frequent occurrence on the border lines of equity that this book is extremely helpful. A lawyer's knowledge along these lines is often limited. Short sections of this book clear up in a brief and convincing manner the obscurity which surrounds this subject in the minds of many practitioners and in not a few text-books. To the student who desires to know the principles by which modern courts are governed in the decision of cases arising in a most important and yet volatile subject of the law, we unreservedly commend Mr. Eaton's work. It is a valuable legacy to the profession, and crowns the achievements of an honored and useful life.

T. I. P.

FEDERAL EQUITY PROCEDURE. By C. L. BATES. Two Volumes.
Chicago: T. H. Flood & Co. 1901.

We walk through a completed building, and admire its plan and the arrangement and decoration of its hall and rooms, but we fail to consider the hours of thought and labor of its architect, the careful calculations and patient oversight of its builder, and the steady work and skill of the mechanics who have laid the stones and the bricks, one by one, and have fitted the lumber, piece by piece, and driven the nails, each by itself.

With similar lack of appreciation we open a book which is, as the author of the above volumes tells us, "the result of ten years unremitting labor," and praise it as a whole or consult separate chapters at our ease without due regard to the thought and study expended upon its composition.

In practice, pleading and forms and modes of proceeding the circuit and district courts of the United States in civil causes conform to the procedure in the courts of record of the state in which such Federal Courts are held; but the remedies in equity are not administered according to state procedure, being governed by the established practice of England as modified by acts of Congress, and by rules prescribed by the courts, primarily by the Supreme Court.

This jurisdiction in equity "is derived from and defined by the Constitution and laws of the United States." Uniformity in all the courts is intended.

It is, therefore, interesting to examine a system that so far has escaped the clippers of the modern legal tonsorial person, on the one hand, and of the crude makers of code millinery, on the other, and to study rules and forms of practice which have stood so long a test, and which prevail over so large a

territory and have been followed in countless suits. While modern improvements have been of benefit in the blotting out of useless and foolish forms and pleadings at common law and the changes (when wisely made), have resulted in the trial cases upon their merits, instead of slips of the mind or of the pen, yet this federal procedure in equity moves with stately step, its vigor not abated by its dignity. Although this is impressive and true, yet a lover of ancient usages, and one whose patriotic heart rejoices in a system prevailing uniformly in the many judicial districts of our country, may desire more simplicity in the means of conducting a suit. An instance will be found in the rules, adopted by the Supreme Court of Pennsylvania, which went into effect in 1866, and the amendments thereto of January, 1894, which have been proved by actual trial, to facilitate the progress of causes.

Wise pruning and clipping are to be desired, but "short cuts" often result in injustice and delay. There is a keen truth in Judge Howland's conclusion to his article on "The Practice of Law in New York" (*Century Magazine*, October, 1901), which is worthy of quotation:

"Of legislative sciolists constantly tampering with our fundamental ancient doctrines as well as with our forms of practice, grown comfortable by long use, we never shall be free. We may rejoice in them as a chastening rod."

We may say with Horace, "*Est modus in rebus, sunt certi denique fines.*"

To return to the concrete, Mr. Bates classifies and explains his subject in orderly divisions and with clearness of statement. The references to decided cases are numerous and apposite.

He treats, in chapters of proper sequence, the basis of the equity jurisdiction of the United States Courts, and the system of procedure therein administered with such essential topics as Parties, Place, Jurisdiction, Original Bills, Decrees, Exceptions, Demurrers, Pleas, Answers, Inquisitions, Receivers,—and "all down the line." Even in the consideration of a particular step in the conduct of a case, or the action of the court, or the functions of an officer of the court, wherein, because of limitation of space, there cannot be exhaustive treatment, there is a satisfactory account, valuable for reference and an aid to further investigation.

In appendices to the second volume the author prints in full, in useful collocation, the Constitution of the United States, annotated Federal Judiciary Acts, Court Rules, Equity Forms, British Orders in Chancery. The book as a whole is of value both to the lawyer engaged in active litigation, and to the student who is in search of a well-written guide to the Equity Procedure of the Courts of the United States.